

## **Pt. 724**

other records related to unsuccessful offers, and retained for at least six months following award.

[64 FR 5007, Feb. 2, 1999; 64 FR 18481, Apr. 14, 1999]

## **PART 724—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**

### **Subpart 724.2—Freedom of Information Act**

Sec.

724.202 Policy.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SOURCE: 49 FR 13248, Apr. 3, 1984, unless otherwise noted.

### **Subpart 724.2—Freedom of Information Act**

#### **724.202 Policy.**

The U.S. Agency for International Development's policies concerning implementation of the Freedom of Information Act are codified in 22 CFR part 212 (USAID Regulation 12).

## **PART 725—FOREIGN ACQUISITION**

### **Subpart 725.1—Buy American Act—Supplies**

Sec.

725.170 Exceptions for Foreign Assistance Act functions.

### **Subpart 725.4—Trade Agreements**

725.403 Exceptions.

### **Subpart 725.70—Source, Origin, and Nationality**

725.701 General.

725.702 Designation of authorized geographic code.

725.703 Contractor employees.

725.704 Source, origin and nationality requirements—Contract clause.

725.705 Local procurement—contract clause.

725.706 Geographic source waivers.

AUTHORITY: Sec. 621, Pub. L. 87-195, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR, 1979 Comp., p. 435.

SOURCE: 49 FR 13248, Apr. 3, 1984, unless otherwise noted.

## **48 CFR Ch. 7 (10-1-10 Edition)**

### **Subpart 725.1—Buy American Act—Supplies**

#### **725.170 Exceptions for Foreign Assistance Act functions.**

In addition to the exception stated in FAR 25.102 for purchases for use outside the United States, there is an exception for economic assistance functions performed under authority of the Foreign Assistance Act. This exception is stated in Executive Order 11223, dated May 12, 1965 (30 FR 6635). U.S. procurement restrictions are applied by USAID, however, as shown elsewhere in this part. These restrictions are generally tighter than the Buy American Act. As a general rule, the tighter USAID restrictions will be used. In the case of certain procurements for use within the United States, the Buy American provision may be used instead in the interest of uniformity among Federal Agencies procuring for domestic use.

### **Subpart 725.4—Trade Agreements**

#### **725.403 Exceptions.**

FAR 25.4 establishes procedures for purchases under the Trade Agreements Act of 1979 (including GATT's Agreement on Government Procurement) and the North American Free Trade Agreement (NAFTA). Under both such agreements, USAID's contracts for the purpose of providing foreign assistance are not subject to the procedures set forth in FAR 25.4. In contrast, USAID's operating expense-type administrative purchases (i.e., purchases for the direct benefit and use of USAID) are subject to the procedures in FAR 25.4, unless otherwise exempted by one of the exemptions specified in FAR 25.4.

[61 FR 39093, July 26, 1996]

### **Subpart 725.70—Source, Origin, and Nationality**

#### **725.701 General.**

USAID's source, origin and nationality requirements for program-funded contracts and subcontracts are established in 22 CFR part 228, Rules on Source, Origin and nationality for Commodities and Services Financed by USAID. These policies as they apply to